

**CITY OF BRAWLEY**  
**April 5, 2011**

The City Council of the City of Brawley, California met in a Regular Meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by *Mayor Campbell* @ 6:00 PM

The invocation was offered by *Pastor Mike Neciuk, El Redentor Church*

The pledge of allegiance to our flag was led by *CM Kelley*

**PRESENT:** Campbell, Couchman, Kelley, Miranda, Nava  
**ABSENT:** None

**APPROVAL OF AGENDA**

The agenda was *approved* as amended. m/s/c Miranda/Couchman 5-0

*Item 4-a:* Approval of Minutes of February 22, 2011 *was pulled from consent agenda for the next meeting.*

*Item 6-a:* Discussion and funding update for Imperial Valley Economic Development Commission *was moved to the beginning of regular business.*

*Item 6-b:* Discussion and funding update for Film Commission *was moved to the beginning of regular business.*

*Item 6-c:* Discussion and funding update for Brawley Chamber of Commerce *was moved to the beginning of regular business.*

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**1. PUBLIC APPEARANCES**

*Teamster Representative Ruth Duarte* announced a disturbing issue with an employee who had not been evaluated for the past seven (7) years and for your information the employee will be filing a grievance.

**Mayor Campbell** asked to understand what is happening you are saying this individual is being evaluated from 2004-2010? **Answer:** Yes, that is correct and the employee feels that it could be harassment. (**Ms. Duarte**)

**CM Burroughs** stated that it is one (1) individual and there is a procedure taking place now.

**Mr. Carlton King representing Julia Drive residents** stated that when the condos were going to be built at Panno Road years back a special meeting was held at the Lions Center and lots of people showed up to voice their concerns and promises were made then. Now I hear that condos will be sold and the road has not been fixed or completed. The bond money is still there and that intersection needs to be completed. No one has contacted any of the people in the surrounding area so what is the real story? **Answer:** This is a busted project, the bond that bonded the work for the state right of way portion at the intersection of State Route 86 and Panno Road was released by Caltrans. The City has a bond from the previous developer for the work on Panno Road from State Route 86 to Willard Avenue. (**Mayor Campbell**)

**Mr. King** mentioned that we had several meetings and he left with the condition that it was going to get done.

**CM Kelley** stated that he was not aware of those assurances now I have concerns about it. There are three (3) condos in the area to make them whole, an emergency exit is to be completed. We still have litigation against the bonding company for all the improvements.

**CM Burroughs** indicated that these blighted buildings were a fire hazard, emergency exits and other conditions will be phased in. No negotiations will be done here today for Panno Road and State Highway 86 intersection.

**Mr. King** mentioned that he had asked to put stop signs in the area to stop the fast traffic and it was denied.

**CM Kelley** stated that we will complete the area if we have the funds or get reimbursement. But we have this also with Springhouse and La Paloma.

**CM Nava** indicated that maybe we can have staff check the traffic to see if a stop sign needs to be installed.

**CM Couchman** mentioned that this item needs to be a future item on the agenda for discussion and information. Anywhere there is growth there will be an increase of traffic.

**Mayor Campbell** stated to **Mr. King** since he seems to be the spokes person for the group you will be the contact person.

**CM Kelley** indicated that we are trying to make the best of this situation.

**Mr. King** mentioned that other neighbors would like to come and voice their concerns.

*CM Miranda* stated that maybe the safety committee can review the safety issues on Julia Drive.

## **2. PRESENTATIONS**

### **a. UPDATE ON TRAINING EXERCISE BY USMC AT PAT WILLIAMS PARK ON APRIL 22, 2011-MARK GILLMORE, CHIEF OF POLICE.**

*Chief Gillmore* gave an update on the training exercise by USMC that will take place at Pat Williams Park on April 22, 2011 from 3:00-9:00 PM. There is a flight path and the public is invited to see the training. The colonel from Yuma would like to thank you for letting them train here.

## **3. DEPARTMENT REPORTS**

*Chief Gillmore* stated he had three (3) things to report 1) The Police Department now have full staffing level with four (4) in training, 2) Through the Safe Route Grant on Saturday, April 9, 2011 from 8:00 AM – 2:00 PM is a Bike Rodeo at Cattle Call Park and 3) There was a stand-off in the 1200 Block of Martin Street, there was threats to a mother and then he barricaded himself next door at his sister's house where he held hostage the sister and child. We had the assistance of the Highway Patrol and Sheriff's Department, we provided the individual Chinese food and he surrendered to a friend that is a sheriff.

*CM Kelley* thanked Chief Gillmore and staff for a job well done.

*PD Gaste* stated that he had good news to share the City will be receiving an award May 5, 2011 at the SCAG Conference in La Quinta.

*Mayor Campbell* mentioned that he had spoken to *Ms. Moore* and that there will be a video presentation at the conference. Good job to *Mr. Gaste* and staff.

*CM Nava* concurred with *Mayor Campbell*.

*P & R D Morgan* stated that the lights at Meserve Park are up and the lights at Del Rio should be up by June 30<sup>th</sup>. We are also cleaning up and trimming trees at Meserve Park.

## **4. CONSENT AGENDA**

The consent agenda was ***approved*** as amended: m/s/c Miranda/Couchman 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

- a. ***Approval*** of City Council Minutes February 1, 2011, February 15, 2011, (workshop) and February 15, 2011. (regular)

- b. **Approval** of Accounts Payable Register March 25, 2011.
- c. **Approval** of Loan #435 to be funded by 06-CalHome-261.
- d. **Approval** of General Plan Annual Progress Report.
- e. **Approval** of Resolution No. 2011-10: Resolution of the City Council of the City of Brawley, California summarily vacating a right of way.
- f. **Approve** and authorize the City Manager to execute agreement with Jones and Stokes Associates, Inc. an owned subsidiary of ICF consulting Group, Inc. to provide professional services for the Preparation of Environmental Documentation for the City's Southwest Area Water and Sewer Infrastructure Project.

**RECESSED @ 7:02 PM**

**RECONVENED @ 7:15 PM**

## **5. PUBLIC HEARING**

### **a. REVISION OF PROGRAM INCOME REUSE PLAN**

**Staff Report – Francisco Soto, Building Official**

**BO Soto** mentioned that we are holding a public hearing regarding the revision of the City's Program Income Reuse Plan. As per our State Representative, Linda Boyle, in order to be in compliance with the final approval of the Program Income Waiver request, the City needed to redraft and adopt through resolution an updated Program Income Reuse Plan to include language allowing Program Income to be used for CDBG eligible activities outside the purpose established under the City's currently identified Revolving Loan Account. This language gives the city the ability to use program income for other eligible projects that meet a national objective through Program Income Waiver requests. The City Manager is the authorized agent to execute all documents pertaining to this plan.

**PUBLIC HEARING OPENED @ 7:35 PM**

**PUBLIC HEARING CLOSED @ 7:37 PM**

The council **motioned** to approve Resolution No. 2011-11: Resolution of the City Council of the City of Brawley, California revision of the Program Income Reuse Plan for the Sate Community Block Grant Program. m/s/c Couchman/Miranda 5-0

<b>AYES:</b>	Campbell, Couchman, Kelley, Miranda, Nava
<b>NAYES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

**b. CDBG PROGRAM INCOME FUNDING REQUEST FOR FIRE STATION #2**

***Staff Report - Francisco Soto Building Official***

**BO Soto** mentioned that we holding a public hearing regarding CDBG approval of the additional transfer of Program Income funds for construction of a fire station. The City obtained a program income waiver in 2010 for \$700,000 to use for construction of a fire station. The City is now requesting additional program income funds in order to fund fire station #2. The City will transfer an additional \$1.5 million dollars of existing and future generated program income to augment the cost for construction of the proposed fire station at Jones Street and North Eastern Avenue. A public hearing and Council resolution is part of the CDBG process for allowing dispersal of said funding. After conducting the public hearing, adopt attached resolution approving the use of said funds and designate the City Manager as the City's authorized agent in the documents with HCD for fund dispersal.

**PUBLIC HEARING OPENED @ 7:40 PM**

**PUBLIC HEARING CLOSED @ 7:43 PM**

**CM Burroughs** this is annual amount based on expenses we make each year.

**CM Couchman** asked if the impact is on the current bid that we have and is this resolution not committing? **Answer:** No, it's not and we can't commit until funding comes in, it just gives us more flexibility of funds and is able to release some of the RDA funds. (**Burroughs**)

The council motioned to **approve** Resolution No.: 2011-12: Resolution of the City Council of the City of Brawley, California, authorizing a transfer of funds from the Program Income Revolving Loan fund for the completion of Fire Station #2 was. m/s/c Couchman/Miranda 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**6. REGULAR BUSINESS**

**a. DISCUSSION AND FUNDATE FOR IMPERIAL VALLEY ECONOMIC DEVELOPMENT COMMISSION**

**IVEDC President Tim Kelley** presented a power point presentation and gave an update on promotional events that had recently taken place those in attendance. He also presented the IVEDC Annual Report that had usage statistics.

**CM Nava** asked about the new location and how it would affect the business? **Answer:** It doesn't affect us and actually sharing the staff and equipment the cost will go down. (**Kelley**)

**CM Burroughs** mentioned to council that the funding request is for \$10,000 but he needs to talk to **Mr. Kelley** and discuss upcoming funding amount.

**b. DISCUSSION AND FUNDING UPDATE FOR FILM COMMISSION**

**ICFC Executive Director Charla Teeters** mentioned highlights of the Film Commission we have tracked 35 projects completed in Imperial County so far this fiscal year, estimated economic impact to the County so far this year is between \$ 661 -750, we co-chaired this year's California only locations show, was a co-chair for California on locations award, attended the Association of Film Commission International trade show, the Film Commission for the first time advertised in the Sundance Film Festival Magazine targeting one of our core user groups and supporting "Little Birds" an independent film that was shot in Imperial County. The Film Commission will be holding its first ever Imperial Valley Film Festival and Artist Showcase, May 6 & 7, 2011, opening night is May 6th at the Anchor Blue space at the IV Mall then later on that evening at the Cinemark Theater and the festival and showcase is May 7<sup>th</sup> at the Anchor Blue space at the IV Mall, we had a premiere party for local filmmaker Ryan Brandt and there is currently four (4) projects slated for the month of April.

**CM Burroughs** mentioned to council that the funding request is \$10,000.

**CM Kelley** asked when production companies comes down do we have a master list or a poll?

**Answer:** Yes, I do have a list and companies email me information that is needed and when they get here I provide the information to them. (**Teeters**)

**CM Nava** asked if it is the same for vendors. **Answer:** Yes. (**Teeters**)

**c. DISCUSSION AND FUNDING UPDATE FOR BRAWLEY CHAMBER OF COMMERCE**

**Chief Executive Officer Ron Hull** gave a power point presentation

**Chamber President Victor Nava** mentioned how the chamber and board work together and is run like a business, we had to cut down on staff but did hire one staff to assist Mr. Hull, CM Nava and eight (8) plus board members have motivation for the BEDC. The Brawley Chamber was the only one at the Renewable Summit promoting itself; we had a lot of promotional material.

**Mr. Hull** stated that a lot of the things we do are joint with the City, the Parks and Recreation Department has helped a lot of the events.

**CM Burroughs** the discussion before you is on the funding and we have in the past discussed to wean off the Chamber with the reduction from RDA, if funding is reduced to half or less what would you do? **Answer:** We have cut staff already and reduced the executive salary, one big promotional event is the Cattle Call event and staff is needed for operation of events. (**Hull**)

**d. AUTHORIZE CITY MANAGER TO APPROVE AN AGREEMENT WITH VALLEY RV FOR DEFERRED PARKING IMPROVEMENTS FOR THE BUSINESS.**

***Staff Report - Francisco Soto, Building Official***

The business owner has changed and the business license has been applied for. Staff recommendation is to approve agreement and strike out the second owner's name. The business owner and tenant are in agreement and tenant has signed agreement.

The council ***motioned*** to authorize the City Manager to approve an agreement with Valley RV for deferred parking improvements for the business. m/s/c Miranda/Nava 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**e. APPROVE RESOLUTIONS AND AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTACT FOR DISPATCH SERVICES WITH CITY OF WESTMORLAND AND CITY OF CALIPATRIA**

***Staff Report - Mark Gillmore, Chief of Police***

In 1983 the City of Brawley sought grant funding to upgrade its public safety communications center. Part of the rationale of the grant/upgrade was that the City of Brawley would service two rural cities in addition to itself. That grant was awarded and in 1987 the City of Westmorland was provided public safety dispatch services and then the following year 1988 the City of Calipatria. Both cities received this service free of charge then in July of 1989 the 911 trunk lines for the City of Calipatria were moved from the Imperial County Sheriff's Department to the City of Brawley at which Brawley already housed the 911 trunks for itself and Westmorland. This effectively established the Brawley Communications Center as the Public Safety Answering Point (PSAP) for the North County. In 1990 the grant ended both cities entered into a year-to-year contract with a cost of \$10,500 per year and \$9,450 per year respectively. The cost was based on the percentage of safety calls the Brawley Communications Center received. On July 1, 1991 the City Council revisited the agreement between the cities and increased the fees. The City of Westmorland agreed to a fee increase of \$525 per month and annually a cost of \$11,025. The City of Calipatria agreed to a fee increase of \$472.50 per month and an annually cost of \$9,922.50. In FY 1991/1992 an agreement remained the same until July 1, 2000 the City entered into a new agreement between both cities. The FY 2000/2001 agreement increased fees to \$15,000 for both cities and this agreement remained in place until July 1, 2004. FY 2004/2005 fees increased by a "side-letter" to the FY 2000/2001 agreement was increased to \$20,000 for both cities. In 2010 an internal study to ascertain the current annual Brawley Police Department Communications PSAP Center operational cost to the City of Brawley utilizing FY 2009/2010 actual costs is \$619,536. The annual fair share cost for the City of Westmorland that utilizes

8.18% is \$50,678. The City of Calipatria utilizes 6.90%, which is \$42,748. We will negotiate with the cities and get final fee.

**CM Kelley** asked if Calipatria Fire could contract with Brawley Fire? **Answer:** Can consolidate with them for fire for a sufficient fee as that can be an impact. (*Gillmore*)

**CM Nava** asked if this was a surprise on the fee. **Answer:** No (*Gillmore*)

**CM Kelley** asked if we had looked at the airport area. **Answer:** Looking for a new building for a dispatch and communication center and we are also looking to moving to digital depending on San Diego which is going to become digital.

The council tabled this item to have the Chief of Police and City Manager negotiates and bring back. m/s/c Campbell/Couchman 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava

**NAYES:** None

**ABSTAIN:** None

**ABSENT:** None

**f. ADOPT 1<sup>ST</sup> READING OF ORDINANCE NO. 2011- : ORDINANCE OF THE CITY OF BRAWLEY, CALIFORNIA AMENDING THE TRUCK PARKING AREAS WITHIN THE CITY OF BRAWLEY.**

***Staff Report - Gordon Gaste Planning Director***

I have been working on this for three (3) to four (4) years trying to designate areas for truck trailer parking. The Traffic Safety Committee amended the truck parking areas map and presented the map to the Planning Commission for approval. The Planning Commission approved the truck parking areas map as recommended by the Traffic Safety Committee. The map attached shows parking areas. The main changes to the truck parking areas include the removal of truck parking in the residential areas such as Malan Street from 1<sup>st</sup> Street to Gilmour Street. It is recommended to adopt this ordinance amending the truck parking areas and to formally add and remove these locations to the Brawley Municipal Code. The ordinance has not been amended since 1970.

**CM Miranda** asked if this is the only truck parking in the area. **Answer:** Yes. (*Gaste*)

**CM Couchman** asked about permit parking on residential and commercial areas? **Answer:** Yes there is some. (*Gaste*)

**CM Couchman** asked if Malan is industrial because he has received complaints regarding that area. **Answer:** Partially residential and industrial area and some of the complaints are by Witter School. (*Gordon*)



**CM Miranda** stated that his concern is behind Witter School about trucks parking there and the 200 block of West “E” Street along North Western Avenue, I see trucks parked there should they be there? **Answer:** No. (**Gaste**)

**Chief Gillmore** mentioned that there are permits that have been applied for to park in certain areas.

**CM Kelley** stated that he would like to add removing Jones Street.

**CM Couchman** mentioned about flat bed trailers with no lights or reflectors can that be some kind of hazard.

**CM Nava** big trucks make huge indentation on the road.

The council motioned to *adopt* the **1<sup>ST</sup> READING OF ORDINANCE NO. 2011- : ORDINANCE OF THE CITY OF BRAWLEY, CALIFORNIA AMENDING THE TRUCK PARKING AREAS WITHIN THE CITY OF BRAWLEY.** m/s/c Kelley/Miranda 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava

**NAYES:** None

**ABSTAIN:** None

**ABSENT:** None

**g. DISCUSSION/ACTION ON MOU FOR WATER/WASTEWATER SERVICE WITH THE CITY OF IMPERIAL**

***Staff Report – Gary Burroughs, City Manager***

About a year ago we entered into an agreement with the County to cooperate for a Wastewater Plant. I would like to work with them if the plant is being constructed south of Malan and use our water. The City of Imperial continues to pursue funding and by having an agreement with the two (2) cities this would help build a strong application for funding for a plant along the Keystone area.

**Mayor Campbell** asked if the City of Brawley was not obligated. **Answer:** No this is just an MOU. (**Burroughs**)

The council *motioned* to allow the City Manager to execute a MOU for Water/Wastewater Service with the City of Imperial. m/s/c Nava/Couchman 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava

**NAYES:** None

**ABSTAIN:** None

**ABSENT:** None

**h. DISCUSSION ON IMPACTS OF EXTENDING WATER AND WASTEWATER SERVICES FROM EXISTING DWELLINGS TO THE OTHER DWELLINGS WITHIN THE SAME PROPERTY**

*Staff Report – Gary Burroughs, City Manager*

*CM Burroughs* mentioned that this was a follow up by *CM Couchman*.

*PWD Yazmin Arellano* mentioned that the average single family residential unit in Brawley has an average household size of 3.74 persons and the average multifamily residential unit has an average household size of 2.8 persons. Based on these numbers any detached building additions or remodeling that includes a bathroom and kitchen fixtures are more likely done with the intention of being utilized as rental units. Classifying them as a multi family dwelling. The average water consumption per person per day in Brawley is 250 gallons and the average wastewater discharge per person per day in Brawley is 120 gallons. In terms of this impact to the City, 2.8 people have an impact of 700 gallons per day of fresh water, 336 gallons per day of wastewater. This does not include the impacts for additional people that public safety needs to handle and are also utilizing our streets, libraries, parks, and general government facilities. This discussion is only on the impact of extending water and wastewater services from existing dwellings to other dwellings within the same property. When services are extended to additional or remodeled dwellings the City will be servicing dwellings with an average of 6.54 persons as opposed to the 3.74 persons.

*CM Kelley* asked as you present this is their options? *Answer: Yes. (Arellano)*

*CM Burroughs* stated that essentially when there is new unit water and wastewater change and charges are applied. I will be putting a book together for regulations.

*CM Nava* commented in this case will they be charged because it's a separate unit.

*CM Couchman* stated that he thinks a hand book will be great and add to permit something that states charges and have them sign off and hold them to it.

*CM Nava* mentioned that it's tricky if someone remodels.

*CM Kelley* remarked I wonder how many would come and pull out a permit.

*BO Soto* stated that we have very good neighbors that call in to report it.

*CM Couchman* mentioned that he thinks proper information out there will work.

**i. APPOINT DELEGATE OR ALTERNATE TO ATTEND SCAG REGIONAL CONFERENCE IN LA QUINTA, MAY 5-6, 2011**

*CM Kelley* asked if *Mr. Gaste* was representing the City for the award. *Answer: Yes (Burroughs)*

**PD Gaste** mentioned that we had two (2) free registrations and one free room available.

The council ***motioned*** that the delegate will be Mayor Campbell and Alternate will be CM Miranda and both will attend SCAG Regional Conference in La Quinta, May 5-6, 2011. m/s/c Kelley/Couchman 5-0

**AYES:** Campbell, Couchman, Kelley, Miranda, Nava  
**NAYES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**i. DISCUSSION OF 2011 BALLOT MEASURES**

***Staff Report - Gary Burroughs, City Manager***

We have two (2) potential ballot measures. We will set up meetings in May at the Lions Center and Hidalgo Hall. Whatever text you want for the ballot please let me know. Staff is to provide facts and put on website. Mr. Hull from the chamber will setup the first meeting and the City Clerk will setup the rest.

**CM Kelley** asked if we can provide a list of the meetings.

**Finance Director Ruby Walla** presented a Power Point Presentation.

**CM Burroughs** stated we could add three (3) to four (4) years of statistics and other activities. We could put in amounts phased in over years, if we are looking to do a sales tax that also needs to be on the ballot. 2013 is the next election year to have a sales tax on the ballot.

**CM Couchman** mentioned that we need to figure what we'll need to pay.

**CM Miranda** stated that we need to be very careful on that.

**CM Burroughs** mentioned that business licenses are a possible ballot measure. In the past the city charged on gross receipt and at some point the city changed to a flat rate. Ms. Walla will be presenting to you the fee calculation.

**CM Nava** stated that could be very expensive for those vendors pushing carts during Cattle Call.

**FD Walla** mentioned that we will need to sort out the differences by code and compare them with other cities and we need to look at staff time especially with the Building/Fire Inspectors.

**CM Burroughs** indicated that our intent now was to show you the presentation and to bring back for more alternatives.

**k. DISCUSSION OF FY 2011 BUDGET ITEMS**

*CM Burroughs* mentioned that we will continue to provide general information and there will be a couple of items to present which include the Capital Improvement Program and other items.

*Finance Director Ruby Walla* presented a Power Point Presentation.

**7. COUNCIL MEMBER REPORTS**

- a. *CM Couchman* mentioned he retired from Imperial County, attended the By-Pass Ceremony, the Mayor's Breakfast, Graffiti Paint-Out-Day, the Installation of Officers at the Hidalgo Hall and the Fire Station No. 2 Groundbreaking Ceremony.
- b. *CM Miranda* stated that he was involved in the Graffiti Paint-Out-Day, attended the 87<sup>th</sup> Annual Installation of Officers for Hidalgo Hall, and the city has a table for the Cesar Chavez celebration at Cattle Call Park.
- c. *CM Kelley* mentioned he had a good time at the Paint-Out-Day, attended the Hidalgo Society's Installation of Officers, the Fire Station No. 2 Groundbreaking Ceremony and By-Pass.
- d. *CM Nava* stated he also attended the Paint-Out-Day and had lots of fun I feel a lot was accomplished this year, attended *CM Couchman* retirement party, the Fire Station No. 2 Groundbreaking and I thought that went very well. IVEDC had training on loan programs and I met the State Director for USDA and the spokesperson from the Small Business Administration.
- e. *Mayor Campbell* mentioned he attended *CM Couchman* retirement party, the Fire Station No. 2 Groundbreaking and all other events with my fellow colleagues. I would also like to mention that I am the Chairperson for the March of Dimes this year and I want to thank all staff for their hard work and dedication to this community.

**8. CITY MANAGER REPORT**      Nothing to report

**9. ADJOURNED TO CLOSED SESSION**

**REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.**

None to report

**ADJOURNMENT**      @ 9:12 PM

*Alma Benavides*